(38)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No.3566 of 2007

Petitioner	:	Loknath Patel S/o Mohan Singh Patel Aged about - 56 years R/o Village Nawrangpur Teh. - & Distt. Raigarh (C.G.)
		Versus
Respondents	1.	State of Chhattisgarh Through: Secretary School Education Department D.K.S. Bhawan, Raipur (C.G.)
	2.	District Education Officer Raigarh, Dist: Raigarh - (C.G.)
	3.	Block Education Officer Block - Raigarh District - Raigarh (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

Single Bench: Hon'ble Justice Satish K. Agnihotri

Present : Shri V.K. Pandey, Advocate for the petitioner.
Shri Yashwant Singh Thakur, Govt. Advocate for the State/respondents.

ORDER
(Passed on 27th June, 2007)

The petitioner was appointed on 01.12.1973 as Assistant Teacher on fixed pay scale of Rs.100/-. After completion of his probation, he was granted regular pay scale w.e.f 18.8.84 respectively.

2. Learned counsel appearing for the petitioner submits that the issue involved in the cast is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment of after completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2445/89 **(Madhukant Yadu and 56 others Vs. State of M.P. & others),** wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was

taken-up to the Hon'ble Supreme Court. The appeal was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in **Ram Kumar Sahu and others Versus State Govt. of Chhattisgarh and another** in W.P. (S) No.813 of 2007 by order dated12.02.2007, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of **Ram Kumar Sahu and others Versus State Govt. of Chhattisgarh and another** (Supra). However, the State is at liberty to verify the facts of appointment as to whether the case of the petitioner is similar to that of the order dated 12.02.2007 passed by this Court in W.P. (S) No.813 of 2007 (Supra).

6. In view of that this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Indu